

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF MERCED

3
4 GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF
5 AUTHORIZED PURSUANT TO GOVERNMENT CODE SECTION 68115 BY
6 CHAIR OF JUDICIAL COUNCIL

7 #2020-10

8 This Court has previously issued Standing Order #2020-04 and General
9 Orders #2020-01, #2020-02, #2020-03, #2020-04, #2020-05, #2020-06, #2020-07
10 amended, and #2020-09 pursuant to Government Code section 68115 limiting the
11 services provided by this court during the State of Emergency declared by the
12 Governor in response to the COVID-19 pandemic. This Order authorizes a limited
13 resumption of court services and clarifies the status of each of the previously
14 issued orders in light of this limited resumption of services.

15 As of May 11, 2020, roughly 95% of Court staff have been on administrative
16 leave since March 23, 2020, and are scheduled to return to work on or after May
17 13, 2020. During their absence, only documents involving time-sensitive essential
18 functions were processed, leaving a substantial backlog that must be processed
19 before meaningful hearings can be conducted on those matters. Since the backlog
20 of processed documents were received and processed during days that have been
21 declared to be court holidays, this Court will have to issue an order setting the
22 effective date for all such filings. Since many hearings were continued on the
23 court's own motion, the parties must receive formal notice of the continued hearing
24 dates before those matters can proceed.

25 Effective May 13, 2020, the court will operate four criminal courtrooms,
26 three in Merced, two family law courtrooms in Merced, a courtroom hearing civil
27 and juvenile matters in Merced, and a courtroom in Los Banos handling both civil
28 and criminal matters.

1 No Traffic, Small Claims, or Limited Civil Matters will be heard through
2 May 31, 2020.

3 All hearings will be remote, at least through May 31, 2020. No live hearings
4 in which a party and court staff are in the same room shall occur prior to that date.
5 Two terminals will be available in the courthouse for use by parties who are unable
6 to arrange to appear remotely using CourtCall, Zoom, or some other remote access.

7 In addition, the Clerk's Offices will remain closed to the public except for
8 filings on essential matters such as restraining orders, emergency petitions and
9 emergency ex parte requests. Non-essential documents can be filed using the Drop
10 Boxes and/or E-filing.

11 In addition, the Self Help Center and Family Court Services will be available
12 using remote service only.

13 STATUS OF PRIOR ORDERS

14 **STANDING ORDER #2020-04**

- 15 • All civil jury trials currently set between Tuesday, March 17, and Tuesday,
16 April 28, 2020, will be continued on a rolling basis for 8 weeks from the
17 currently scheduled trial date. This order is extended to apply to all civil
18 jury trials set between Tuesday March 17 and Tuesday, June 30, 2020.
- 19 • All time-waived misdemeanor jury trials currently set between Tuesday,
20 March 17, and Tuesday, April 28, 2020, were previously continued on a
21 rolling basis for 8 weeks from the currently scheduled trial date, but will
22 now be continued on rolling basis for 30 days. This order is extended to
23 apply to all time-waived misdemeanor jury trials set between Tuesday
24 March 17 and Sunday May 31, 2020.
- 25 • All time-waived felony out-of-custody jury trials currently set between
26 Tuesday, March 17, and Tuesday, April 28, 2020, were previously continued
27 as determined by the judge hearing the case. This order is extended to apply
28

1 to all time-waived felony out-of-custody jury trials set between Tuesday
2 March 17 and Sunday May 31, 2020.

- 3 ● All traffic hearings currently set between Monday, March 23, and Tuesday,
4 April 28, 2020, were previously continued on a rolling basis for 60 days
5 from the currently scheduled hearing date. This order is extended to apply to
6 all time-waived traffic hearings between Tuesday March 17 and Sunday
7 May 31, 2020.
- 8 ● All time-waived traffic trials currently set between Monday, March 23, and
9 Tuesday, April 28, 2020, were previously continued on a rolling basis for 60
10 days from the currently scheduled trial date, unless the judge assigned to the
11 matter decided otherwise. This order is extended to apply to all time-waived
12 traffic hearings between Tuesday March 17 and Sunday May 31, 2020.
- 13 ● Starting Tuesday, March 17, 2020, all traffic “walk in” appearances were
14 previously suspended through Tuesday, April 28, 2020. Parties in traffic
15 matters may telephone the Clerk’s Office at 209-725-4107 for Merced or
16 209-725-4124 for Los Banos to schedule an arraignment date. Any other
17 citation appearance dates set during this period, or failures to appear, were
18 automatically extended to a date after April 28; parties were noticed. This
19 order is extended to apply to all time-waived traffic hearings between
20 Tuesday March 17 and Sunday May 31, 2020.
- 21 ● New citation appearance dates in traffic matters will be set 6 months from
22 the date listed on the citation. Any requests to address matters that require
23 immediate attention, including requests to lift DMV driver’s license holds,
24 may be mailed to the Court and will be addressed remotely where possible.
- 25 ● Family Law bench officers will exercise their discretion in continuing non-
26 emergency Request for Order hearings and Status Conferences currently set
27 between Tuesday, March 17, and May 31, 2020.

- 1 • Family Court Services suspended its in person mediation services, effective
2 Tuesday, March 17, 2020, but will schedule telephonic and remote
3 mediation opportunities for litigants.
- 4 • The Order providing that the Court’s Self-Help Centers were closed is
5 modified to provide that effective May 13, 2020, remote assistance will be
6 provided.
- 7 • The Court will extend its Self-Help telephone hours to 8:00 a.m. to 3:00
8 p.m., Monday through Friday, and will work to implement additional
9 opportunities for the public to interact with Self-Help staff. Members of the
10 public can reach the Self-Help office by emailing
11 selfhelp@mercedcourt.org.

12 No-time-waiver criminal matters, restraining order hearings, emergency family law
13 Requests for Order, and other case or calendar types and hearings not specifically
14 listed above will continue to be heard as Court resources and health directives
15 permit, but with the following modifications:

- 16 • Attorneys and litigants are strongly encouraged to file documents through [E-](#)
17 [Filing](#) or by mail.
- 18 • Attorneys and litigants will be required to use remote procedures to make
19 court appearances telephonically or through CourtCall in all case types
20 because no in-person hearing will be conducted prior to May 31, 2020. For
21 telephonic appearances, please contact the clerk’s office for the department
22 that your hearing is scheduled in. For CourtCall, please call (888) 882-6878.
- 23 • Subject to judicial discretion, the Court will liberally grant hearing
24 continuances upon request and will be reducing calendar sizes and stagger
25 the calling of different calendar types to minimize health and safety
26 concerns. This policy remains in effect.
- 27 • The Court will only summon jurors to a courthouse for “essential” trials as
28 required by law. In those circumstances, jury panel sizes will be reduced,

1 and trial calls will be staggered to reduce group sizes. This policy remains
2 in effect.

- 3 • The Court will continue to grant COVID-19 related deferrals. Prospective
4 jurors may make such requests on-line through [this link](#), by calling the Jury
5 Office at 209-725-4121 [press Option #1], or by emailing
6 jury@mercedcourt.org. This policy remains in effect.
- 7 • Trials currently underway will continue as scheduled. However, sworn
8 jurors may be asked to take health-appropriate measures such as sitting
9 outside the jury box to encourage appropriate social distancing. This order
10 is no longer applicable because there are no jury trials pending.
- 11 • The Court asks that, when entering a courtroom or jury assembly room,
12 members of the public should keep at least one vacant seat between
13 themselves and the next unfamiliar person. This order remains in effect.
- 14 • The Court further asks that members of the public allow space while waiting
15 in lines, and that they not crowd elevators or other confined spaces. Court
16 visitors may be asked to wait in hallways or outside courtrooms and
17 courthouses to minimize gathering sizes in closed areas. Please follow the
18 accommodation, health, and safety directions of any Sheriff's Deputies,
19 Court Attendants, or other Court Employees offering their assistance. This
20 order remains in effect.
- 21 • As a reminder, those who are ill should stay home; the Court may ask
22 members of the public who are exhibiting visible symptoms of illness such
23 as coughing to leave. This order stays in effect.

24 **GENERAL ORDER #2020-01**

- 25 1. In cases in which the statutory deadline otherwise would expire from March
26 24, 2020 to April 28, 2020, inclusive, any judge of the Court may extend the
27 time periods provided in sections 583.310 and 583.320 of the Code of Civil
28 Procedure to bring an action to trial by not more than 30 days (Gov. Code §

1 68115(a)(10)). This order is extended to apply to all cases set between
2 Tuesday March 17 and Tuesday, June 30, 2020.

- 3 2. In cases in which the statutory deadline otherwise would expire from March
4 24, 2020 to April 28, 2020, inclusive, any judge of the Court may extend the
5 time period provided in section 1382 of the Penal Code for the holding of a
6 criminal trial by not more than 30 days (Gov. Code § 68115(a)(10)). This
7 order applies to cases through June 15 and is extended for a total extension
8 of 90 days for each impacted case. The total extension of 90 days shall be
9 calculated from the last date on which the trial initially could have been
10 conducted under Penal Code section 1382.

11 **GENERAL ORDER #2020-02**

- 12 1. March 23, 2020 to April 17, 2020 inclusive, for purposes of computing time
13 for filing papers under Code of Civil Procedure Sections 12 and 12(a) are
14 deemed holidays. This period was extended to May 12, 2020 by General
15 Order #2020-06. The deemed holidays will not extend beyond May 12,
16 2020.
- 17 2. March 23, 2020 through April 17, 2020, inclusive, be deemed holidays for
18 purposes of computing time under Penal Code section 825 (time to bring
19 arrested persons before magistrate) and Welfare and Institutions Code
20 sections 313 (detention of minor pending dependency proceedings), 315
21 (detention hearing for minor in custody pending dependency proceedings),
22 334 (time to hold hearing on dependency petition), 631 (detention of minor
23 in wardship proceedings), 632 (detention hearing for minor in wardship
24 proceedings), 637 (detention rehearing for minor in wardship proceedings),
25 and 657 (hearing on petition to declare minor a ward)(Gov. Code §
26 68115(a)(5)) This period was extended to May 12, 2020 by General Order
27 #2020-06. The deemed holidays will not extend beyond May 12, 2020.

1 3. From March 23, 2020 to April 17, 2020, inclusive, all courtrooms will
2 remain closed for judicial business, except the following for time sensitive
3 essential functions:

- 4 a. Civil Temporary Restraining Orders, including Gun Violence
5 Restraining Orders
- 6 b. Domestic Violence Restraining Orders
- 7 c. Civil Ex Parte for Emergency Relief
- 8 d. Family Ex Parte Proceedings
- 9 e. Hague Convention (International Kidnapping)
- 10 f. Probate Ex Parte Hearings
- 11 g. Emergency Petitions for Temporary Conservatorship
- 12 h. Emergency Petitions for Temporary Guardianship
- 13 i. Mental Health Hearings (Riese, Writ, ECT)
- 14 j. Search Warrants
- 15 k. Arraignments
- 16 l. Criminal Preliminary Hearings
- 17 m. Bail Bond and Cash Bail Processing
- 18 n. Criminal Jury Trial-where there is no consent to continuance and
19 ordered by the Court.
- 20 o. Juvenile Ex Parte Orders
- 21 p. Emergency Orders Relating to Health and Safety of a Child
- 22 q. Juvenile Restraining Orders
- 23 r. Juvenile Delinquency Hearings
- 24 s. Juvenile Dependency Detention Hearings
- 25 t. Traffic License Suspensions
- 26 u. Claims of Exemption Hearings, Small Claims
- 27 v. Emergency Writs Challenging COVID-19 Emergency Measures
- 28 w. Writ of Habeas Corpus Challenging the Medical Quarantines

1 This order is extended to May 12, 2020, but will not extend beyond that date
2 except that Small Claims, Civil Limited Claims, and Traffic will not be heard
3 until after May 31, 2020.

4 4. NOTICE IS HEREBY GIVEN THAT ALL OTHER MATTERS HAVE
5 BEEN CONTINUED BY THE COURT. Parties shall receive further notice
6 stating the specific time and date of the continuance in their cases.

7 5. Pursuant to the authority granted under section 68115 of the Government
8 Code, the court extends the following deadlines for the period of March 23,
9 2020 to April 17, 2020, inclusive:

10 a. Duration of any temporary restraining order that would otherwise
11 expire because the emergency conditions prevented the court from
12 conducting proceeding to determine whether the permanent order
13 should be entered is extended by 30 days. This applies only to cases
14 in which the statutory deadline otherwise would expire from March
15 23, 2020 to April 17, 2020. This period has been extended to May 12,
16 2020.

17 b. The court extends the time periods provided in section 859b of the
18 Penal Code for the holding of a preliminary examination for 10 court
19 days to not more than 15 court days. This applies only to cases in
20 which the statutory deadline otherwise would expire from March 23,
21 2020 to April 17, 2020, inclusive. This period has been extended to
22 May 12, 2020.

23 c. The court extends the time period provided in section 825 of the Penal
24 Code for within which a defendant charged with a felony offense must
25 be taken before a magistrate for 48 hours to not more than seven (7)
26 days. This applies only to cases in which the statutory deadline
27 otherwise would expire between March 23, 2020 to April 17, 2020,
28 inclusive. This period has been extended to May 12, 2020.

- 1 d. The court extends the time periods provided in section 313 of the
2 Welfare and Institutions Code within which a minor taken into
3 custody pending dependency proceedings must be released from
4 custody to not more than seven (7) days. This applies only to cases in
5 which the statutory deadlines otherwise would expire from March 23,
6 2020 to April 17, 2020 inclusive. This period has been extended to
7 May 12, 2020.
- 8 e. The court extends the time periods provided in section 315 of the
9 Welfare and Institutions Code within which a minor taken into
10 custody pending dependency proceedings must be given a detention
11 hearing to not more than seven (7) days. This applies only to cases in
12 which the statutory deadlines otherwise would expire from March 23,
13 2020 to April 17, 2020 inclusive. This period has been extended to
14 May 12, 2020.
- 15 f. The court extends the time period provided in sections 632 and 637 of
16 the Welfare and Institutions Code within which a minor taken into
17 custody pending wardship proceedings and charged with a felony
18 offense must be given a detention hearing or rehearing to not more
19 than seven (7) days. This applies only to cases in which the statutory
20 deadlines otherwise would expire from March 23, 2020 to April 17,
21 2020 inclusive. This period has been extended to May 12, 2020.
- 22 g. Extend the time periods provided in section 334 of the Welfare and
23 Institutions Code within which a hearing on a juvenile dependency
24 petition must be held by not more than 15 days, applicable only to
25 minors for whom the statutory deadlines would otherwise expire from
26 March 23, 2020 to April 17, 2020 inclusive. This period has been
27 extended to May 12, 2020.
- 28

- 1 h. Extend the time periods provided in section 657 of the Welfare and
2 Institutions Code within which a hearing on a wardship petition for a
3 minor charged with a felony offense must be held by not more than 15
4 days, applicable only to minors for whom the statutory deadlines
5 otherwise would expire from March 23, 2020 to April 17, 2020
6 inclusive. This period has been extended to May 12, 2020.
- 7 6. Further, the court declares that from March 23, 2020 to April 17, 2020,
8 inclusive, is deemed a holiday/holidays for purposes of computing time
9 under Code of Civil Procedure 1167 (five day period within which defendant
10 must respond to a complaint in unlawful detainer action). This period has
11 been extended to May 12, 2020.
- 12 7. Further, the court declares that from March 23, 2020 to April 17, 2020,
13 inclusive is deemed a holiday/holidays for purposes of computing time
14 under Code of Civil Procedure 116.330(a) (requires a small claims matter to
15 be scheduled for hearing no earlier than 20 days but not more than 70 days
16 from the date of the order directing the parties to appear at the hearing).
17 This period has been extended to May 12, 2020.

18
19 **GENERAL ORDER #2020-03**

20 **A. Extensions of Time Periods**

- 21 1. That the time period provided in section 859b of the Penal Code for
22 the holding of a preliminary examination and the defendants right to
23 release is extended from 10 court days to not more than 30 court days.
24 This order remains in effect.
- 25 2. That the time period provided in section 825 of the Penal Code within
26 which a defendants charged with a felony offense must be taken
27 before a magistrate is extended from 48 hours to not more than 7 days.
28 This order remains in effect.

1 3. That the period provided in section 1382 of the Penal Code for the
2 holding of a criminal trial is extended by not more than 60 days from
3 the last date on which the statutory deadline otherwise would have
4 expired. This order remains in effect and is extended an additional 30
5 days.

6 4. That the time period provided in section 583.310 and 583.320 of the
7 Code of Civil Procedure to bring an action to trial are extended by not
8 more than 60 days. (Gove Code § 68115(a)(6).) This order remains in
9 effect.

10 5. That these extensions are in addition to any relief for this court
11 previously authorized by the Chief Justice as emergency orders,
12 implemented by this court on March 18, 2020 and March 20, 2020.

13 B. That the 60-day continuance of jury trials, authorized by the order of the
14 Chief Justice on March 23, 2020, is to be calculated from the date for which
15 the trial was set or extended as provided in A.3 or A.4. above, whichever is
16 longer. This order remains in effect and is extended an additional 30 days.

17 C. That any rule of California Rules of Court that would prevent the court from
18 using technology to conduct judicial proceedings and court operations
19 remotely, is suspended in order to protect the health and safety of the public,
20 court personnel, judicial officers, litigants and witnesses. This order remains
21 in effect.

22 **DOES FUTHER ORDER AS FOLLOWS:**

23 D. That access to any and all courthouses is limited to those with immediate
24 business pursuant to social distancing guidelines. Remote appearances are
25 strongly encouraged to protect public health. This order remains in effect.
26
27
28

1 **GENERAL ORDER #2020-04**

2 **JUVENILE DELINQUENCY ORDER**

3 1. Except for minors arrested for an offense listed in Welfare and Institutions
4 Code section 707(b) offenses, felony sex offenses, a felony domestic
5 violence offense, an offense involving personal use or possession of a
6 firearm, a felony assault with a gang enhancement, or a minor with a
7 placement order that has been issued by the Juvenile Delinquency Division,
8 arrested minors shall be cited and released by Probation. Probation has the
9 discretion to select a citation date that is not sooner than April 17, 2020.
10 This order is extended to May 12, 2020.

11 2. Except for minors who are serving commitments for Welfare and
12 Institutions Code section 707(b) offenses, felony sex offenses, a felony
13 domestic violence offense, an offense involving personal use or possession
14 of a firearm, a felony assault with a gang enhancement, all minors with a
15 tentative release date within sixty days of April 6, 2020, shall be released
16 forthwith to a parent or guardian on previously ordered Probation terms; the
17 balance of the custodial commitment is commuted. As to these released
18 youth, any commitment to the juvenile global positions system is vacated.
19 The judges jointly makes this order, with the following additional provision:
20 If any such youth are subject to Placement Orders, Probation is to release
21 such youth as soon as suitable placement can be arranged, or to a parent or
22 guardian, if appropriate. Probation is directed to ex parte on a placement
23 review, with such hearings to take place within ten judicial days of the
24 reopening of the court. This order is extended to May 12, 2020.

25
26 **GENERAL ORDER #2020-05**

27 This Order (1) extends the periods covered by the First General Order issued
28 March 18, 2020 and the Second General Order issued March 20, 2020 to a period

1 that will end 90 days after the Governor declares that the state of emergency
2 related to the COVID-19 pandemic is lifted or until amended or revoked by the
3 Presiding Judge of the Merced Superior Court, and (2) Orders that all hearings
4 conducted with regard to the twenty-three enumerated categories of time-sensitive,
5 essential functions authorized by the Second General Order will be conducted
6 remotely according to the Guidelines provided herein. Accordingly, this Court
7 does HEREBY FIND and ORDER:

8 All hearings will be conducted by electronic conferencing medium, either
9 Zoom, CourtCall, telephone, other electronic conferencing medium, or a
10 combination thereof. The specific medium or combination of medium used for a
11 specific hearing will be at the discretion of the Judicial Officer, and the Court Staff
12 will provide all parties to a specific hearing with the instructions and access codes
13 necessary to access the conferencing medium so that they may participate in the
14 hearing remotely. No individuals other than Judicial Officers, Court Staff, or
15 Security will be permitted in the Courtroom during hearings. This order remains in
16 effect through May 31, 2020.

17 Absent exceptional circumstances, individuals who appear at the Courthouse
18 at the time of the hearing will not be permitted to enter the Courtroom. Security
19 will obtain their names and telephone numbers and forward such information to the
20 Courtroom Clerk who will then call those individuals when the hearing is ready to
21 proceed and add them to the hearing. If an individual who appears at the
22 courthouse does not have a telephone or other means to participate in a remote
23 hearing, Security will provide that information to the Courtroom Clerk and the
24 Court will make a determination as to whether the matter must be continued or
25 whether suitable alternative arrangements can be made. This order remains in
26 effect through May 31, 2020.

27 All in-custody individuals participating in a hearing shall participate
28 remotely by whatever means are available at the time of the hearing. In-custody

1 individuals will not be brought into the Courthouse for their own safety because
2 the Sheriff's Department cannot assure that appropriate social distancing will occur
3 during transport. This order remains in effect through May 31, 2020.

4 Judicial Officers may, at their discretion, conduct hearings by either being
5 physically present in the courtroom, or by accessing the hearing remotely using the
6 electronic conferencing medium selected for that hearing. Judicial Officers are
7 strongly encouraged to conduct hearings using remote access. This Order remains
8 in effect through May 31, 2020.

9
10 **GENERAL ORDER #2020-06**

- 11 1. For purposes of computing time for filing papers with the Court
12 under Code of Civil Procedure sections 12 and 12(a), the period
13 from March 23, 2020 to April 17, 2020 previously deemed a holiday
14 is extended to May 12, 2020 because the emergency conditions
15 described in the Order have substantially interfered with the public's
16 ability to file papers in a court facility on those dates (Gov. Code,
17 § 68115(a)(4)). This order expires May 12, 2020.
- 18 2. For purposes of computing time under Penal Code section 825, and
19 Welfare and Institutions Code sections 313, 315, 334, 631, 632, 637,
20 and 657, the period from March 23, 2020 to April 17, 2020
21 previously deemed a holiday is extended to May 12, 2020 because
22 the emergency conditions described in the Order prevent the court
23 from conducting proceedings and accepting filings on that date [*or*
24 those dates] as necessary to satisfy these deadlines (Gov. Code,
25 § 68115(a)(5)). This order expires May 12, 2020.
- 26 3. In cases in which the statutory deadline otherwise would expire from
27 March 23, 2020 to May 12, 2020, inclusive, any judge of the Court
28 may extend the time period provided in section 313 of the Welfare

1 and Institutions Code within which a minor taken into custody
2 pending dependency proceedings must be released from custody to
3 not more than 7 days (Gov. Code, § 68115(a)(11)). This order
4 expires May 12, 2020.

5 4. In cases in which the statutory deadline otherwise would expire from
6 March 23, 2020 to May 12, 2020, inclusive, any judge of the Court
7 may extend the time period provided in section 315 of the Welfare
8 and Institutions Code within which a minor taken into custody
9 pending dependency proceedings must be given a detention hearing
10 to not more than 7 days (Gov. Code, § 68115(a)(11)). This order
11 expires May 12, 2020.

12 5. In cases in which the statutory deadline otherwise would expire from
13 March 23, 2020 to May 12, 2020, inclusive, any judge of the Court
14 may extend the time periods provided in sections 632 and 637 of the
15 Welfare and Institutions Code within which a minor taken into
16 custody pending wardship proceedings and charged with a felony
17 must be given a detention hearing or rehearing to not more than 7
18 days (Gov. Code, § 68115(a)(11)). This order expires May 12, 2020.

19 6. In cases in which the statutory deadline otherwise would expire
20 from March 23, 2020 to May 12, 2020 inclusive, any judge of the
21 Court may extend the time period provided in section 334 of the
22 Welfare and Institutions Code within which a hearing on a juvenile
23 dependency petition must be held by not more than 15 days (Gov.
24 Code, § 68115(a)(12)). This order expires May 12, 2020.

25 7. In cases in which the statutory deadline otherwise would expire from
26 March 23, 2020 to May 12, 2020, inclusive, any judge of the Court
27 may extend the time period provided in section 657 of the Welfare
28 and Institutions Code within which a hearing on a wardship petition

1 for a minor charged with a felony offense must be held by not more
2 than 15 days (Gov. Code, § 68115(a)(12)). This order expires May
3 12, 2020.
4

5 **GENERAL ORDER #2020-07**

6 This General Order summarizes this Court's findings concerning the quality
7 and effectiveness of the remote hearings conducted since March 23, 2020. Since
8 March 23, 2020, the Merced Superior Court has conducted 43 remote Juvenile
9 Hearings, 488 remote Criminal Hearings, 80 remote Family Law Hearings, a total
10 of 611 remote hearings. The Presiding Judge has conducted a number of remote
11 hearings himself and has consulted with each of the other Merced Superior Court
12 Judges conducting remote hearings and this Court HEREBY FINDS AND
13 ORDERS AS FOLLOWS:

- 14 1. The 611 remote hearings provided by the Merced Superior Court since
15 March 23, 2020 are the fully functional equivalent of live in-court
16 hearings. While they do not proceed as quickly as live in-court hearings,
17 the sound quality and video picture quality is as good as or better than
18 available to a person participating in a live in-court hearing. In all
19 hearings conducted, the Judicial Officer has been able to understand the
20 testimony and fully evaluate the demeanor of each speaker, unless the
21 speaker appears by telephone.
- 22 2. Just as in a live hearing, there are times where a participant fails to speak
23 into their microphone and must be prompted to repeat what they said,
24 there are occasions where participants forget to unmute their connection
25 or do not speak clearly and must be prompted to repeat their statements.
26 While a connection has occasionally failed during a hearing, such failure
27 usually comes to the immediate attention of the courtroom clerk
28

1 controlling the video conference and the hearing is paused until a new
2 and satisfactory connection can be made.

- 3 3. When an interpreter is required, the hearing proceeds more slowly
4 because the interpreter must proceed with sequential rather than
5 simultaneous interpretation, but the quality of interpretation is as good or
6 better than the use of simultaneous interpretation during a live in-court
7 hearing.
- 8 4. When a participant and their attorney need to conduct a private
9 conversation, the court has developed several processes for
10 accommodating that need.
- 11 5. Remote hearings also preserve the right of the public to observe court
12 proceedings as certain non-confidential remote hearings are being
13 streamed by the Merced Superior Court to the public via the Court's
14 website and YouTube.
- 15 6. The remote hearings have been so successful, that there have been
16 inquiries from justice partners, including criminal defense counsel and
17 civil counsel, requesting that the option to provide remote hearings in lieu
18 of in-court hearings continue after the state of emergency is over.
- 19 7. This court concludes that the 611 remote hearings conducted by the
20 Merced Superior Court since March 23, 2020 have fully accommodated
21 the rights of all the participating parties and constitute the fully functional
22 equivalent of live in-court hearings.
- 23 8. This court finds that the threat of contagion is such that live in-court
24 criminal hearings would jeopardize the health of the Deputy District
25 Attorney participating in the hearing, the district attorney's office, and its
26 ability to function in other matters; would jeopardize the health of the
27 Deputy Sheriffs or other law enforcement participating in the hearing, the
28 Sheriff's office or other law enforcement agencies participating in the

1 hearing, their staff, and their ability to function in other matters; would
2 jeopardize the health of defense counsel and the ability of defense
3 counsel's firm or the public defender to function in other matters; would
4 jeopardize the health of the defendant himself, and would jeopardize the
5 health of the court staff and its ability to function in other matters.

6 Similarly, live in-court civil hearings would jeopardize the health of all
7 participants, including counsel, parties, and witnesses, in such civil
8 hearings. This court incorporates by this reference, the April 8, 2020
9 letter from Sheriff Vern Warnke discouraging the transportation of
10 prisoners in lieu of remote hearings, and the April 22, 2020 letter from
11 the Merced County Department of Public Health, discouraging the use of
12 live hearings, copies of which are attached hereto as Exhibits A and B.

13 9. This court finds that remote hearings do not impinge on the rights of any
14 party in any material way, while adequately protecting the health and
15 safety of all participants. This court finds that increases in safety
16 presented by remote hearings far outweighs any potential advantages in-
17 person hearings might have over remote hearings while the State of
18 Emergency remains in effect.

19 10. This order remains in effect through May 31, 2020.

20 **GENERAL ORDER #2020-08**

21 This General Order addresses the filing of documents received by the
22 Merced Superior Court since Monday March 23, 2020, but not yet processed by
23 the clerk's office. Accordingly, this Court HEREBY FINDS AND ORDERS AS
24 FOLLOWS:

25 1. As staffing permits, all documents received by the Merced Superior
26 Court since March 23, 2020 and received subsequent to the date of this
27 order shall be filed bearing the date received notwithstanding the fact that
28 the days since March 23, 2020 have been declared court holidays. In the

1 case of documents presented to the clerk's office counter, the day
2 received will be the day presented. In the case of documents mailed to
3 the court, the date received shall be the date the document arrived at the
4 court via U.S. Mail, Fed Ex, or other carrier. In the case of documents e-
5 filed or fax-filed, the date received shall be the date the e-filed or fax-
6 filed document was sent to the court.

7 2. When the period of emergency has concluded and the declared court
8 holidays cease, this Court shall issue a General Order establishing the
9 effective date of all documents filed from March 23, 2020 to the date of
10 the supplemental order, and that effective date shall control the treatment
11 of the documents, notwithstanding the file date appearing on the
12 document or the date of the document reflected in Odyssey.

13 3. When filing documents received by the Merced Superior Court since
14 March 23, 2020 and received subsequent to the date of this order, the
15 following procedures should apply:

16 a. Pursuant to Emergency Rule 1 of the Emergency Amendments to
17 the California Rules of Court regarding unlawful detainer filings,
18 any summons issued in connection with an unlawful detainer
19 complaint shall be rejected, absent a formal order by a Judge of
20 this Court finding that the action is necessary to protect public
21 health and safety.

22 b. Pursuant to Emergency Rule 1 of the Emergency Amendments to
23 the California Rules of Court regarding unlawful detainer filings,
24 any request for entry of default in an unlawful detainer action shall
25 be completed by the clerk to reflect "Default NOT entered as
26 requested" and the box entitled "state reason" shall state "Rule of
27 Court #1" and filed bearing the date received. No default in an
28 unlawful detainer action shall be entered absent a formal order by a

1 Judge of this Court finding that the action is necessary to protect
2 public health and safety.

3 c. Pursuant to Emergency Rule 2 of the Emergency Amendments to
4 the California Rules of Court regarding Judicial foreclosures, all
5 documents relating to Judicial foreclosures shall be filed, but no
6 hearing shall be set other than a status hearing absent a formal
7 order by a Judge of this Court finding that the action is necessary
8 to protect public health and safety.

9 d. Pursuant to Emergency Rule 8 of the Emergency Amendments to
10 the California Rules of Court regarding temporary restraining or
11 protective orders shall be set for hearing on or after June 1, 2020.

12 4. Any Request for Entry of Default received in a non-unlawful detainer
13 case (general civil, limited civil, family law) shall be completed by the
14 clerk to reflect “Default NOT entered as requested” and the box entitled
15 “state reason” shall state “General Order 6” and filed bearing the date
16 received. Note that while the emergency rules of court provide a special
17 rule of unlawful detainers, discussed at 3(b) above, this General Order 6
18 expands that rule to defaults in all civil matters.

19 5. This Order remains in effect through June 30, 2020.
20

21 **GENERAL ORDER #2020-09**

22 1. The 60-day continuance of criminal jury trials and the 60-day extension of
23 time in which to conduct a criminal trial under Penal Code section 1382,
24 both of which I first authorized in my order of March 23, 2020, are to be
25 extended an additional 30 days. The total extension of 90 days shall be
26 calculated from the last date on which the trial initially could have been
27 conducted under Penal Code section 1382 as illustrated below.
28

1 2. This extension applies only to those matters for which the last date on which
2 the trial could be conducted under Penal Code section 1382 occurred or will
3 occur between March 16, 2020 and June 15, 2020. This will result in a
4 range of trial dates as follows: A criminal trial for which March 16, 2020, is
5 the last day a trial could be conducted under Penal Code section 1382 would
6 be extended to June 14, 2020, and a criminal trial for which June 15, 2020, is
7 the last day a trial could be conducted under Penal Code section 1382 would
8 be extended until September 13, 2020.

9 3. Any previously issued extensions of time in which to conduct a criminal trial
10 under Penal Code section 1382 that I authorized in an emergency order or
11 orders issued to an individual court pursuant to Government Code section
12 68115(a)(10) shall run concurrently with the extension authorized in this
13 paragraph, such that the total authorized extension of the section 1382
14 deadlines in a case is 90 days.

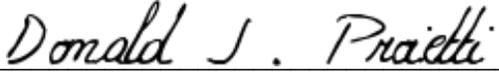
15 Accordingly, this Court's General Order 2020-04 issued April 1, 2020 and filed on
16 April 2, 2020 is modified to provide as follows:

17 1. The 60-day continuance of criminal jury trials and the 60-day extension of
18 time in which to conduct a criminal trial under Penal Code section 1382,
19 provided by General Order 2020-04 issued on April 1, 2020 and filed on
20 April 2, 2020 is extended an additional 30 days. The total extension of 90
21 days shall be calculated from the last date on which the trial initially could
22 have been conducted under Penal Code section 1382.

23 2. This extension applies only to those matters for which the last date on which
24 the trial could be conducted under Penal Code section 1382 occurred or will
25 occur between March 16, 2020 and June 15, 2020. This will result in a
26 range of trial dates as follows: A criminal trial for which March 16, 2020, is
27 the last day a trial could be conducted under Penal Code section 1382 would
28 be extended to June 14, 2020, and a criminal trial for which June 15, 2020, is

1 the last day a trial could be conducted under Penal Code section 1382 would
2 be extended until September 13, 2020.

3 Dated: May 11, 2020

4
5 
6 Hon. Donald J. Proietti, Presiding Judge